



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ACTING ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8108

March 1, 2019

*By Electronic Filing and Facsimile*

Hon. Gabriel W. Gorenstein  
U.S. District Court for the Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *Ali v. Annucci, et al.*  
No. 2016-cv-1994

Dear Chief Magistrate Judge Gorenstein:

Our Office represents the three court-officer defendants —Court Officer Eleazar Ramos, Court Officer Bruce Knowles, and Lieutenant Stewart Still—in the above-referenced matter. In accordance with Section 1.E. of Your Honor's Individual Practices, we submit this letter jointly with plaintiff's counsel, Adrian Ellis, Esq., to request a 30-day extension of the discovery deadlines that were previously endorsed by the Court on December 18, 2018 (ECF No. 91). This is the parties' third request for an extension of these deadlines.

This extension is necessary for four reasons. First, we have subpoenaed two non-party fact witnesses—Adam Freedman, Esq. and Kecia Harris—to appear for depositions on March 6 and March 8, respectively. Although these depositions were originally noticed for dates before the current deadline for the completion of fact discovery (March 4), those dates proved unworkable for the deponents, and had to be moved to accommodate their schedules.

Second, we subpoenaed the New York City Department of Corrections earlier this month for court-detention-pen-book entries relating to Mr. Ali's transport to and from the New York County Supreme Courthouse around the time of the incident. We are still waiting to receive these records. Yesterday, I followed up with Department of Correction's Supervising Senior Counsel about the status of our request, and was advised it would likely take two to three additional weeks for the Department to gather and produce the requested documents.

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Third, yesterday we received records from the New York City Fire Department in response to a subpoena requesting documents pertaining to the handcuffing incident involving Mr. Ali. Pursuant to this subpoena, the Fire Department produced a computer-aided dispatch report of the 911 call placed by defendant Lieutenant Still on the day of the incident requesting emergency services for Mr. Ali. Based on a review of this report, as well as deposition testimony by Mr. Ali about the FDNY's role in the incident, we wish to depose two of the emergency first responders that assisted in removing Mr. Ali's handcuff that day—Captain Keith Faccilonga and EMT Roy Renna. We anticipate being able to take these depositions within the next month.

Finally, at Mr. Ali's deposition in December 2018, he testified that his counsel at the time of the incident, Adam Freedman, Esq., witnessed at least part of what transpired between Mr. Ali and the defendants, and memorialized his observations in one or more letters. In January 2019, we sent a letter to Mr. Ali's current counsel, Mr. Ellis, Esq., requesting copies of those letters on the basis that they are relevant to the claims and defenses in this action, and are responsive to the defendants' document demands. In response, Mr. Ellis, Esq., advised our Office that he was unable to locate any of the specified documents, but that Mr. Ali is scheduled to be released from incarceration in March 2019, and that if those letters were located upon his release, he would send copies to our Office. The one-month extension requested here will provide Mr. Ali with sufficient time to locate and produce these letters.

For these reasons, the parties respectfully request that the discovery deadlines in this case be extended 30 days. Under this proposed extension, the deadline for the completion of non-expert discovery, which is currently March 4, 2019, would be extended to April 3, 2019; the deadline to disclose expert witnesses, which is currently March 18, 2019, would be extended to April 17, 2019; the deadline for the depositions of expert witnesses, which is currently May 20, 2019; would be extended to June 19, 2019; and the deadline to submit a pre-motion letter to Judge Carter in anticipation of defendants' motion for summary judgment, which is currently May 20, 2019, would be extended to June 19, 2019.

Thank you for your time and attention to this matter.

Very truly yours,

/s/  
Jonathan D. Conley  
Assistant Attorney General

cc (by ECF): Adrian Ellis, Esq.